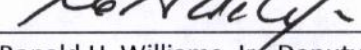


To the Honorable Council  
City of Norfolk, Virginia

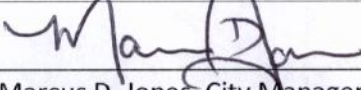
October 27, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Change of zoning from R-7 (Single-Family) district to conditional R-8 (Single-Family) district – Robert Feinman**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 3/7

Approved:   
Marcus D. Jones, City Manager

Item Number: **PH-8**

- I. **Staff Recommendation: Denial.**
- II. **Commission Action:** By a vote of **0 to 7**, the Planning Commission recommends **Denial**.
- III. **Request: Change of zoning from R-7 (Single-Family) to conditional R-8 (Single-Family)**
- IV. **Applicant: Robert Feinman**
- V. **Description:**
  - This application will allow the site to be resubdivided, permitting four single-family homes where currently only three homes are permitted.
  - The site is located within the Greenwood/Elmhurst/Norview Heights neighborhood.
  - The site is currently zoned R-7, which requires a minimum lot width of 60 feet and a minimum lot size of 6,000 square feet.
  - The applicant is proposing to resubdivide the existing two lots into four lots, each with approximately 50 feet in width and 5,000 square feet in lot area.
  - A Lot-Pattern Analysis was conducted, concluding that the proposed rezoning would be inappropriate for this area given that a majority of lots have a square footage greater than or equal to 6,000 square feet and lot widths at least 60 feet wide.
  - The proposed development will result in lots smaller than the majority of lots in the neighborhood, which may have a negative visual impact on the neighborhood.
  - Any proposed homes would not be required to be reviewed to ensure conformance to any architectural and building form characteristics that may exist within the community.
  - The civic league submitted a letter of support for the rezoning and the three elevations included in the proffered condition.
  - Approval of this rezoning, which is out of character with the existing lot pattern, would encourage an inappropriate lot pattern along this portion of Herbert Street and establish an undesirable precedent for rezoning requests in the future. The proffered condition that ties the development of the homes to the proposed elevations is also inconsistent with the design standards in *plaNorfolk2030* and does not ensure an appropriate building form is maintained.

Staff point of contact: Chris Whitney at 823-1253, [chris.whitney@norfolk.gov](mailto:chris.whitney@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated September 24, 2015 with attachments
- Proponents and Opponents
- Ordinance





# City of NORFOLK

## Planning Commission Public Hearing: September 24, 2015

Executive Secretary: George M. Homewood, AICP, CFM *gs*

Planner: Chris Whitney, CFM *cw*

Staff Report	Item No. 6		
Address	3210-3214 Herbert Street		
Applicant	Robert Feinman		
Request	Conditional Change of Zoning		
Property Owner	Edna Matter		
Site Characteristics	Site/Building Area	18,450 sq. ft./4 single-family homes, each with 1,800-2,100 sq. ft.	
	Zoning	From: R-7 (Single-Family)	To: conditional R-8 (Single-Family)
	Neighborhood	Greenwood/Elmhurst/Norview Heights	
	Character District	Suburban	
Surrounding Area	North	R-7: single-family homes	
	East	R-7: single-family homes	
	South	R-7: single-family homes	
	West	R-8: single-family homes	





### A. Summary of Request

- This application will allow the site to be resubdivided, permitting four single-family homes where currently only three homes are permitted.
  - Development of the four homes would require the existing home on the site to be demolished.
- The site is located within the Greenwood/Elmhurst/Norview Heights neighborhood, on the east side of Herbert Street between Elmhurst and Kennebeck Avenues.

### B. Plan Consistency

- *plaNorfolk2030* identifies this site as single-family traditional.
  - The identifying land use strategies chapter of *plaNorfolk2030* identifies the single-family traditional land use category as a location for single-family detached development characterized by houses set back a moderate distance from the street with driveways leading to rear garages on lots of 50 to 70 feet wide and approximately 4,000 to 7,500 square feet.
- Since the proposed rezoning would permit four single-family homes on 50-55 foot wide, 5,000 square foot lots, it meets the lot size standards established by *plaNorfolk2030* for the single-family traditional land use category.
  - However, since the proposed house elevations indicate garages projecting out from the front of the house, the proposed rezoning is not fully consistent with *plaNorfolk2030* per section 2-6, Action LU1.1.2, "Single-Family Traditional."

### C. Zoning Analysis

#### i. General

- The site is within the Greenwood/Elmhurst/Norview Heights neighborhood, an area developed with single-family homes.
- The site is currently zoned R-7, which requires a minimum lot width of 60 feet and a minimum lot size of 6,000 square feet.
- The applicant is proposing to resubdivide the existing two lots into four lots, each with approximately 50 feet in width and 5,000 square feet in lot area.
- A Lot-Pattern Analysis shows the following range of lots and their percentages within the area.

**Lot Pattern Analysis**

Lot-Size Range	Within 1,000 feet		Within 1,000' on same block (Herbert Street)	
	Number	Percentage	Number	Percentage
<b>Lots in character with the proposal</b> (Less than 60 ft. in width, or less than 6,000 sq. ft.)	104	43%	8	23%
<b>Lots out of character with the proposal</b> (Greater than or equal to 60 ft. in width, or 6,000 sq. ft.)	137	57%	27	77%

- The proposed rezoning would be inappropriate for this area given that the lot pattern consists of a majority of lots with a square footage greater than or equal to 6,000 square feet and lot widths at least 60 feet wide.
- ii. **Parking**  
The site is located in the Suburban Character district, which requires two parking spaces per dwelling unit.
- iii. **Flood Zone**  
The properties are in the X Flood Zone, which is a low risk flood zone.

**D. Transportation Impacts**

Institute of Transportation Engineers (ITE) figures estimate that the net addition of one new single family home on this site will generate 10 additional vehicle trips per day.

**E. Impact on the Environment**

The new houses will comply with all standards set forth in the *Zoning Ordinance*, and will exceed the City's stormwater requirements in order to mitigate any potential impacts of the development.

**F. Impact on Surrounding Area/Site**

- The proposed development will result in lots smaller than the majority of lots in the neighborhood, which may have a negative visual impact on the neighborhood.
  - Any proposed homes would not be required to be reviewed to ensure conformance to any architectural and building form characteristics that may exist within the community.
- Approval of a rezoning such as this, out of character with the existing lot pattern and without sufficient conditions to ensure an appropriate architectural character is maintained, may establish an undesirable precedent for future inappropriate rezoning requests as well.

**G. Payment of Taxes**

The owner of the property is current on all real estate taxes.

**H. Civic League**

- Notice was sent to the Greenwood/Elmhurst/Norview Heights Civic League on August 12.
- Letter of support was received from the Greenwood/Elmhurst/Norview Heights Civic League on September 23.



**I. Communication Outreach/Notification**

- Legal notice was posted on the property on August 18.
- Legal notifications were mailed to all property owners within 300 feet of the property on September 10.
- Legal notification was placed in *The Virginian-Pilot* on September 10 and September 17.

**J. Recommendation**

Approval of this rezoning, which is out of character with the existing lot pattern, would encourage an inappropriate lot pattern along this portion of Herbert Street and establish an undesirable precedent for rezoning requests in the future. The proffered condition that ties the development of the homes to the proposed elevations is also inconsistent with *plaNorfolk2030* and does not ensure an appropriate building form is maintained. For all of these reasons Staff recommends that the request for rezoning be **denied**.

**Proffered Condition**

1. The homes to be developed on the site shall be the "Oakdale A," "Oakdale B," and "Oakdale C," models as attached.

**Attachments**

Location Map  
Zoning Map  
Future Land Use Map  
Lot Pattern Analysis Map  
Application  
Proposed Elevations  
Notice to the Greenwood/Elmhurst/Norview Heights Civic League  
Letter of Support from the Greenwood/Elmhurst/Norview Heights Civic League

## **Proponents and Opponents**

### **Proponents**

Robert Feinman – Applicant  
2617 All Saints Court  
Virginia Beach, VA 23454

### **Opponents**

None

09/21/2015 lds

Form and Correctness Approved: *RAP*

Contents Approved: *CW*

By *[Signature]*  
Office of the City Attorney

By *[Signature]*  
DEPT. *Planning*

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTIES LOCATED AT 3210 TO 3214 HERBERT STREET FROM R-7 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO CONDITIONAL R-8 (SINGLE-FAMILY RESIDENTIAL) DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the properties located at 3210 to 3214 Herbert Street are hereby rezoned from R-7 (Single-Family Residential) District to Conditional R-8 (Single-Family Residential) District. The properties are more fully described as follows:

Properties located on the northeast corner of Herbert Street and Kennebeck Avenue fronting 160 feet, more or less, along the eastern line of Herbert Street and 100 feet, more or less, along the northern line of Kennebeck Avenue; premises numbered 3210 to 3214 Herbert Street.

Section 2:- That the properties rezoned by this ordinance shall be subject to the following condition:

- (a) The homes to be developed on the site shall be constructed to match the appearance of any of the three (3) models shown in "Exhibit A," attached hereto.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (3 pages)



Oakdale A





Oakdale B



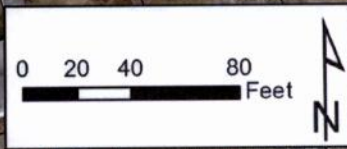


Oakdale C



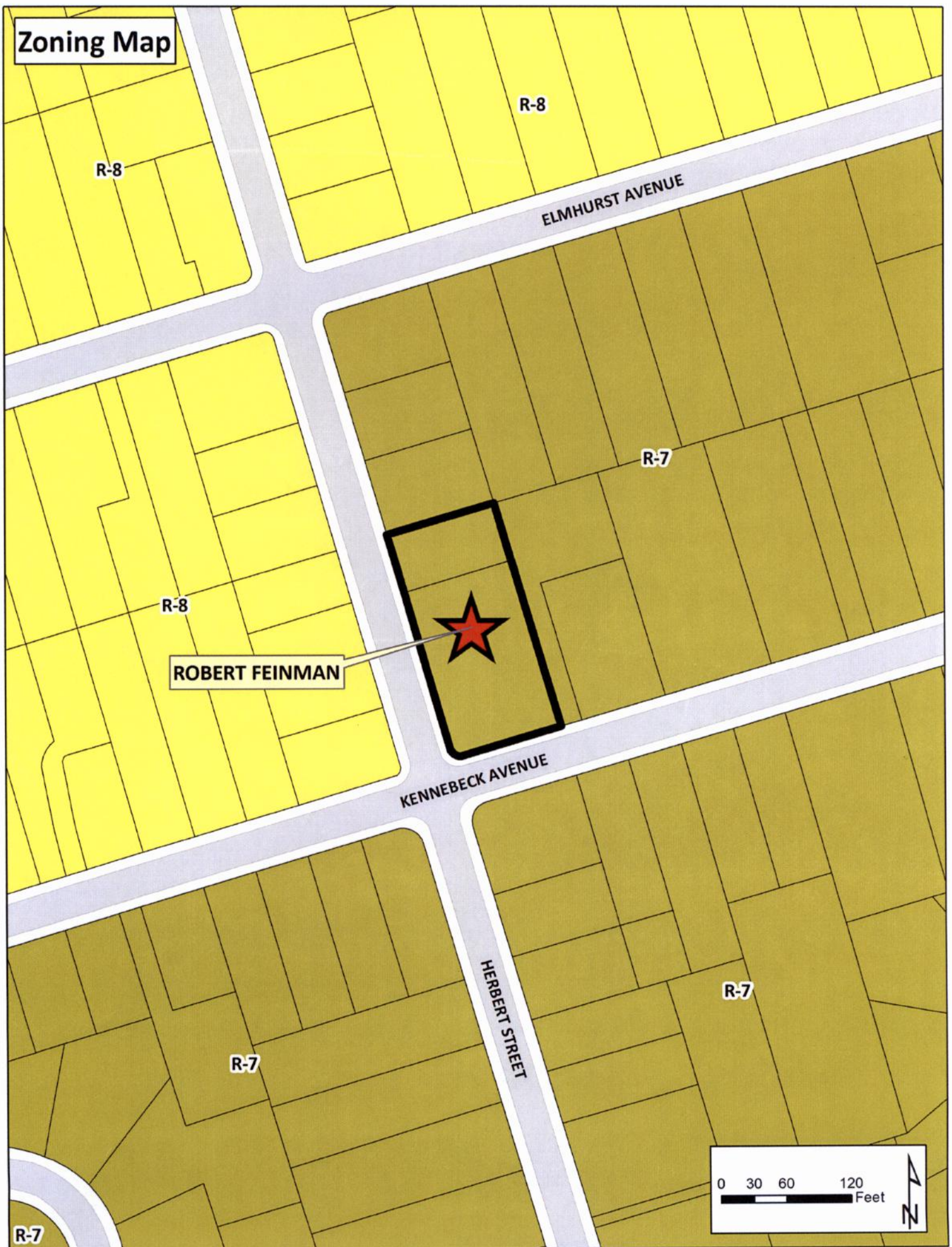


Location Map



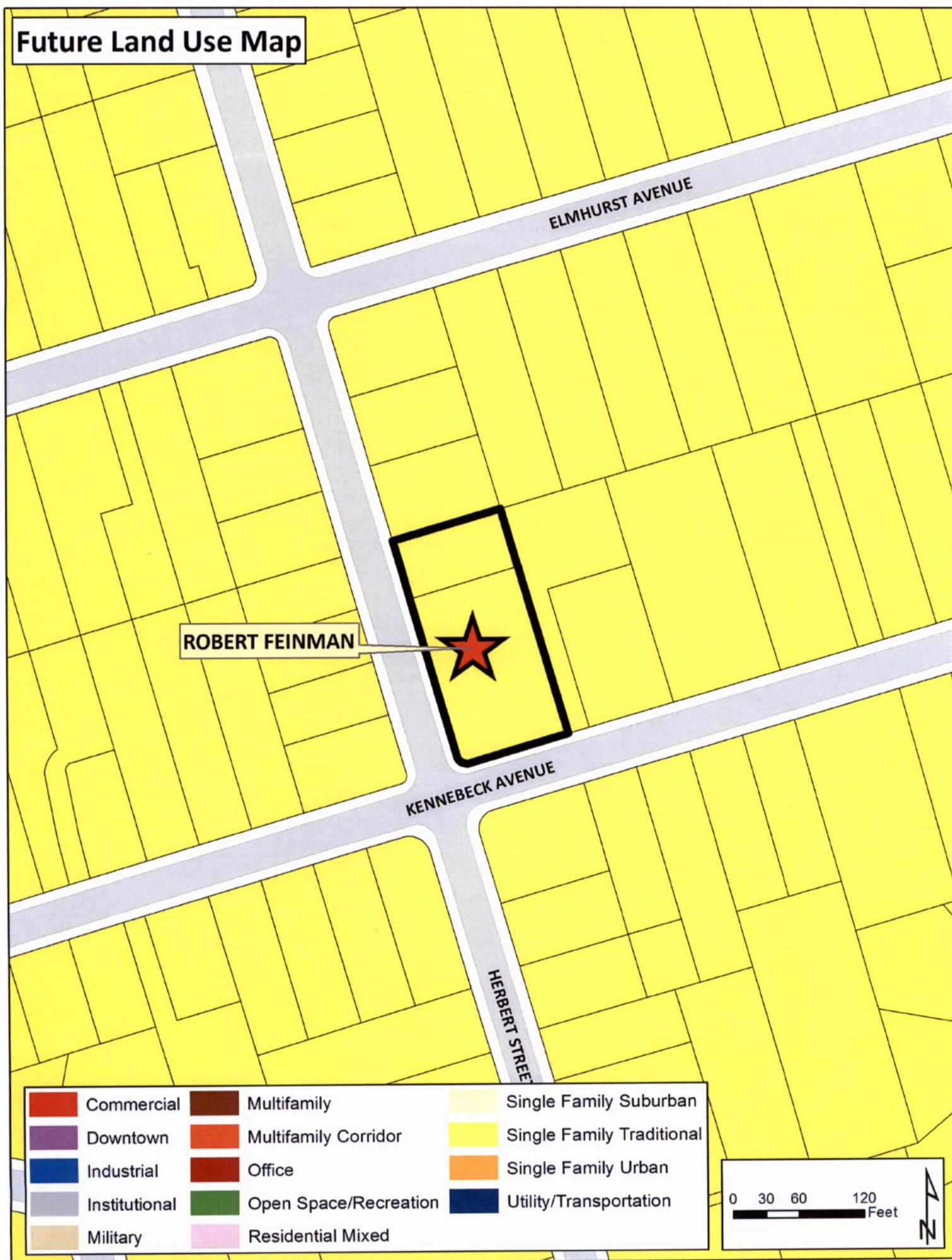


# Zoning Map





# Future Land Use Map



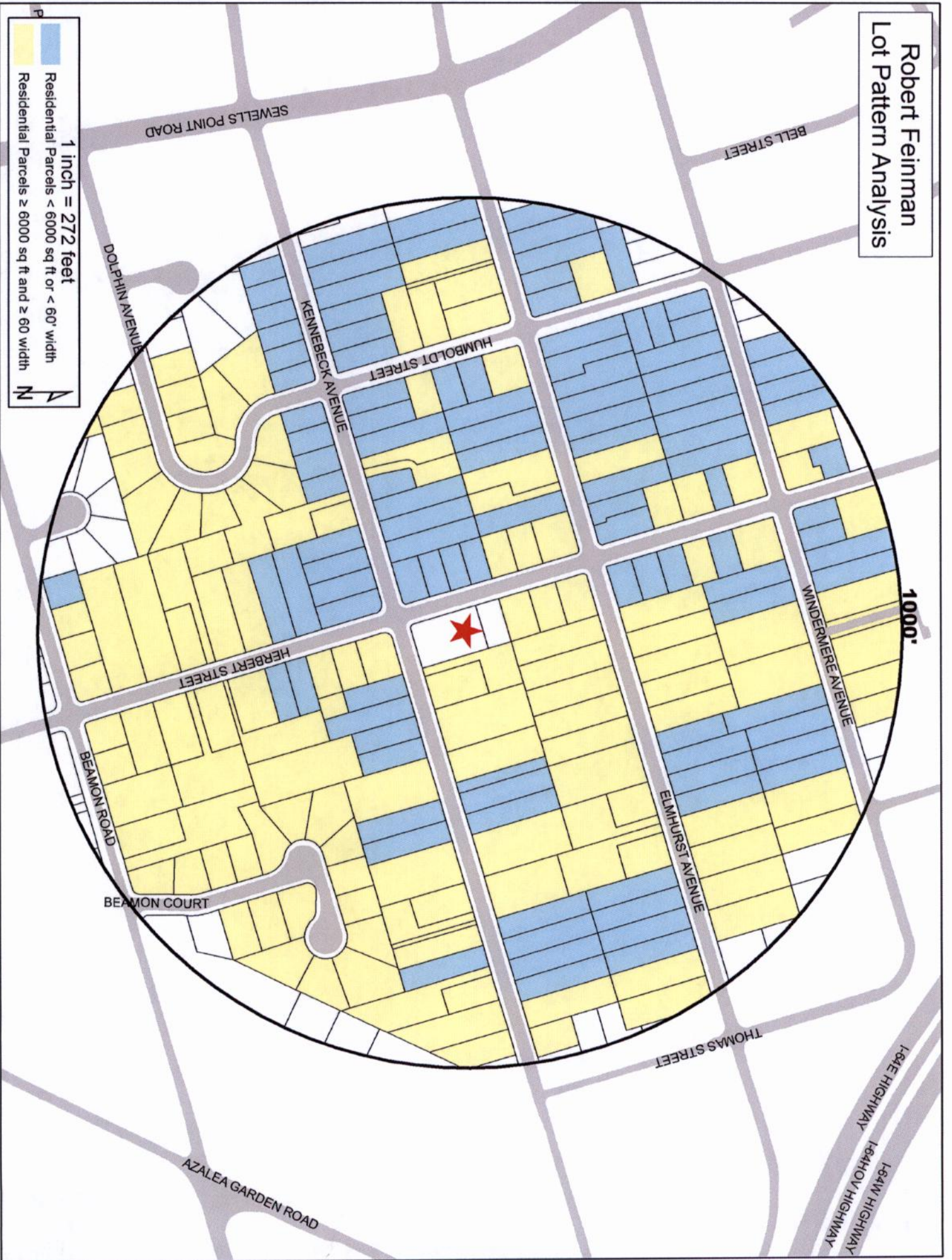
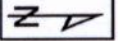


Robert Feinman  
Lot Pattern Analysis

1 inch = 272 feet

Residential Parcels < 6000 sq ft or < 60' width

Residential Parcels ≥ 6000 sq ft and ≥ 60' width







## APPLICATION CHANGE OF ZONING

Date of application: 07/07/2015

conditional  
Change of Zoning

From: R7 Zoning To: R8 Zoning

conditional

### DESCRIPTION OF PROPERTY

Property location: (Street Number) 3210-3214 (Street Name) Herbert St.

Existing Use of Property: Residential

Current Building Square Footage n/a

Proposed Use Residential

Proposed Building Square Footage 1800-2100

Trade Name of Business (If applicable) \_\_\_\_\_

### APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Feinman (First) Robert (MI) M

Mailing address of applicant (Street/P.O. Box): 4873 S. Oliver Dr. Ste. 103

(City) Virginia Beach (State) VA (Zip Code) 23455

Daytime telephone number of applicant (757) 241-5678 Fax (877) 333-1015

E-mail address of applicant: bobby@affordablenewconstruction.com

### DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**Application  
Rezoning  
Page 2**

**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) \_\_\_\_\_ (First) \_\_\_\_\_ (MI) \_\_\_\_\_

Mailing address of applicant (Street/P.O. Box): \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

Daytime telephone number of applicant ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

E-mail address of applicant: \_\_\_\_\_

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Matter (First) Edna (MI) \_\_\_\_\_

Mailing address of property owner (Street/P.O. box): 3218 Herbert St.

(City) Norfolk (State) VA (Zip Code) 23513

Daytime telephone number of owner (757) 404-0314 email: \_\_\_\_\_

**CIVIC LEAGUE INFORMATION**

Civic League contact: Jackie Rochelle

Date(s) contacted: 06/16/2015; 06/26/2015; 07/23/2015

Ward/Super Ward information: Mamie Johnson / Angelia Williams  
Ward Superward

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

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(Revised January, 2015)



Application  
Rezoning  
Page 3

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: EDNA MATTER Sign: Edna Matter 7/28/15  
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Robert M Feinman Sign: RMF 07/27/2015  
(Applicant) (Date)

**ONLY NEEDED IF APPLICABLE:**

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_  
(Authorized Agent Signature) (Date)

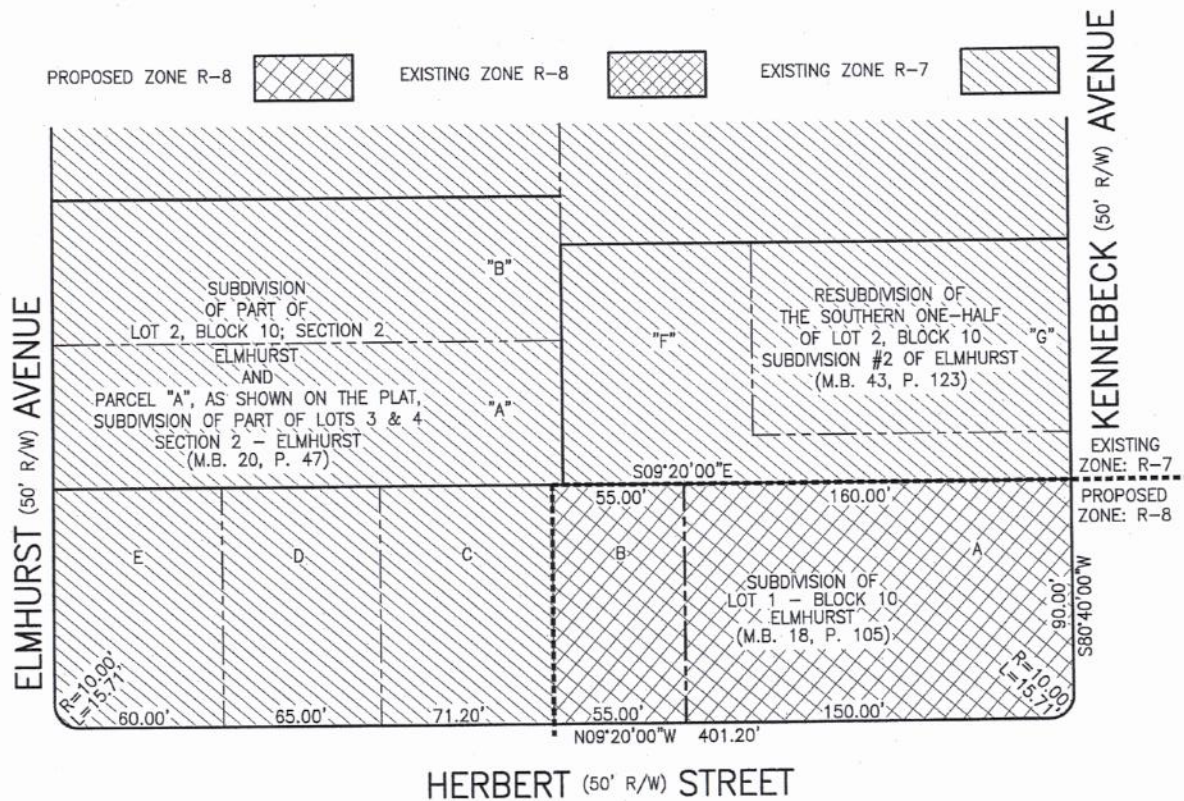


EXHIBIT SHOWING  
PROPOSED REZONING  
OF LOTS A & B  
SUBDIVISION OF LOT 1 - BLK. 10  
**ELMHURST**  
(M.B. 18, P. 105)

NORFOLK

VIRGINIA



Hayden Frye and Associates, Inc.  
Land Surveyors  
301 KELLAM ROAD, SUITE 200  
VIRGINIA BEACH, VA, 23462  
PH: (757) 491-7228 FX: (757) 491-7229  
RICHMOND, VA PH: (866) 440-7064  
EMAIL: hfy@haydenfrye.com

PROJ. NO. 150603

SHEET NAME: 1 OF 1

ACAD: Herbert St Rezoning

SCALE: 1" = 50'

DATE: June 10, 2015

COMMENTS:

**3210-3214 Herbert Street**  
**Proffered Condition**

1. The homes to be developed on the site shall be the "Oakdale A," "Oakdale B," and "Oakdale C," models as attached.

**Current Property Owner**

Print Name: EDNA MATTER

Sign: Elena A Matter

Date: 9-23-15

**Applicant/Authorized Agent**

Print Name: Rmy Feisman

Sign: [Signature]

Date: 9/23/15



**Hasick, Tracey**

---

**Subject:** FW: rezoning of 3210-3214 Herbert street

**From:** "Pollock, Susan" <[susan.pollock@norfolk.gov](mailto:susan.pollock@norfolk.gov)>  
**Date:** October 9, 2015 at 2:50:40 PM EDT  
**To:** "Daughtrey, Breck" <[breck.daughtrey@norfolk.gov](mailto:breck.daughtrey@norfolk.gov)>  
**Subject:** FW: rezoning of 3210-3214 Herbert street

Breck,  
Can this be included in Council's packet for the Robert Feinman rezoning application on Herbert Street?  
Thanks.

Susan Pollock  
Principal Planner, Land Use Services  
Phone: (757) 664-4765  
Fax: (757) 441-1569

Department of Planning and Community Development  
810 Union Street, Room 508  
Norfolk, Virginia 23510

**From:** TED HARMON [<mailto:twenty7again@verizon.net>]  
**Sent:** Friday, October 09, 2015 1:30 PM  
**To:** Pollock, Susan  
**Subject:** rezoning of 3210-3214 Herbert street

To:council of city of Norfolk:I won't be attending your meeting on October 27 due to my age which is 86 years old. However I wish to register my strong objections to the rezoning of 3210-- 3214 Herbert street.

## Whitney, Chris

---

**From:** Straley, Matthew  
**Sent:** Wednesday, August 12, 2015 2:34 PM  
**To:** 'greenwoodcivic1@aol.com'  
**Cc:** Johnson, Mamie; Williams, Angelia M.; Herbst, James; Whitney, Chris  
**Subject:** new Planning Commission applications - 3210-3214 Herbert Street  
**Attachments:** Feinman.pdf

Ms. Rochelle,

Attached please find the application for a change of zoning from R-7 (Single-Family) district to R-8 (Single-Family) district at 3210-3214 Herbert Street.

The purpose of this request is to resubdivide the properties to allow for the construction of four single-family homes.

The item is tentatively scheduled for the September 24, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Whitney* at (757) 823-1253, [chris.whitney@norfolk.gov](mailto:chris.whitney@norfolk.gov)

Thank you.

**Matthew Straley**

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

[Matthew.Straley@norfolk.gov](mailto:Matthew.Straley@norfolk.gov) | Tel: 757-664-4769 | Fax: 757-441-1569



## Whitney, Chris

---

**From:** Jackie Rochelle <greenwoodcivic1@aol.com>  
**Sent:** Wednesday, September 23, 2015 3:09 PM  
**To:** Whitney, Chris; Pollock, Susan  
**Cc:** angelia.williams-graves@norfolk.gov; Johnson, Mamie  
**Subject:** Application for rezoning on Herbert Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Chris

Please be advised that Robert Feinman from DSF Development LLC (DSF) participated in the Greenwood/Elmhurst/Norview Heights (GENH) Civic League meeting this past Monday, September 21st for the purpose of presenting his plan as detailed in the application for rezoning 3210-3214 Herbert Street from R7 to R8. The civic league has voted to SUPPORT this change of zoning so that four houses, as detailed in the application, may be built on those lots. Additionally, the neighborhood has voted for Mr. Feinman to build using the design plans labeled as OAKDALE II.

DSF has been working with GENH Civic League and the league been working with neighbors whose properties are surrounding 3210-3214 Herbert Street throughout the summer to determine which of the proposed plans would best fit our community. The community has decided that using the OAKDALE II model plans would accomplish that goal.. Specifically, the community wants to see this plan with different elevations used throughout the four lots. Further, the use of a recessed entrance (with windows), the garage doors with detailing, the stonework on the ground level and architectural column to the second floor are also a requirement. In short, the three samples marked OAKDALE II are the plans the community has approved and we look forward to having these homes in our community as we transition from older to newer housing..

Mr. Feinman has also made a commitment to involve the community in the replacement of any trees that would inevitably be lost to this project and to landscape the new homes.

If you have any questions, or if I can be of further assistance, please contact me directly at 757-435-2302.

With best regards,

Jackie Rochelle  
GENH Civic league